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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/951,276	10/16/1997	DAVID G. MCCARTHY	402-038-19	1410
7590	08/07/2006		EXAMINER	
MARK P STONE 25 THIRD STREET 4TH FLOOR STAMFORD, CT 06905			HAMMOND, BRIGGITTE R	
			ART UNIT	PAPER NUMBER
			2833	

DATE MAILED: 08/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	08/951,276	MCCARTHY, DAVID G.
	Examiner	Art Unit
	Briggitte R. Hammond	2833

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 19 April 2006.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1, 6, 19 and 20 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1, 6, 19 and 20 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date: _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

On April 19, 2006, The Board of Patent Appeals and Interferences affirmed the Final Rejection against independent claims 1-5 and 7-18, (Byrne in view of Mitchell) and reversed all rejections against claims 1,2,4-7,10,12-15,19 and 20 (in view of Mitchell). Since there are no allowed claims in the application, only claims 1,6,19 and 20 remain pending.

The Board cited Cole 3,646,244 as relevant analogous art. Below is an action on merits based on Cole and Byrne.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1,6,19 and 20 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Cole 3,646,244 in view of Byrne. Regarding claims 1 and 19, Cole discloses a floor having a top surface 34 and an opening defined in said top surface; a receptacle unit 10 mounted in said opening in said top surface; said receptacle unit 10 comprising a top 22 and at least one sidewall extending downwardly from said top, said at least one sidewall having at least one receptacle 19 defined therein; means for selectively displacing said receptacle unit between a retracted position in which said top of said receptacle unit is planar with said top surface of said floor (see figs. 2 and 4), and an extended position in which said at least one receptacle in said at least one

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sidewall of said receptacle unit is elevated above the top surface of said floor (see figs. 3 & 4); and a housing 46 mounted to an underside of said top surface of said floor, said housing having an open top and being aligned with said opening defined in said top surface of said floor so as to receive said receptacle unit in said housing when said receptacle unit is in said retracted position. Cole does not disclose the receptacle being mounted in an article of furniture. However, mounting receptacles in articles of furniture is well known in the art as evidenced by Byrne. Byrne discloses a retractable receptacle 150 with sidewalls (front side of box 152) mounted in an opening in a top surface of an article of furniture 104. Therefore, it would have been obvious to one of ordinary skill in the art to use the receptacle in an article of furniture for providing conveniently located electrical power source receptacles in/on a work surface such as a desk top or similar article of furniture as taught by Byrne.

Regarding claim 6, the receptacle unit of Cole further includes means for biasing and locking 45a,45b.

Regarding claim 20, said housing 46 includes means 64 for coupling said receptacle unit to an external power source.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brigitte R. Hammond whose telephone number is 571-272-2006. The examiner can normally be reached on Mon.-Thurs. and Alternate Fridays from 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula A. Bradley can be reached on 571-272-2800 ext. 33. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Briggitte Hammond*  
Briggitte R. Hammond  
Primary Examiner  
Art Unit 2833

July 7, 2006

*Paula A. Bradley*  
Acting Dir. TC 2830/60